

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

RICHARD L. RUTLEDGE,

Plaintiff,

vs.

MORTY MANNING, TROY BLOUNT,  
and DEBRA COLLINS,

Defendants.

CV 20-100-GF-BMM-JTJ

ORDER

Plaintiff Richard L. Rutledge filed an Amended Complaint alleging sexual assault and denial of medical/mental health care during his incarceration at the Roosevelt County Detention Facility. See, (Doc. 6.) Pursuant to a joint stipulation between Plaintiff and the County Defendants Blount and Collins, on May 20, 2022, the matter was dismissed with prejudice as to Blount and Collins. See, (Docs. 36 & 37.)

Throughout these proceedings, Plaintiff has been unable to serve his Amended Complaint on Defendant Manning. On May 11, 2021, Plaintiff was directed to provide a current mailing address for Defendant Manning. (Doc. 13.) Plaintiff failed to do so. On June 28, 2021, the undersigned recommended dismissal of Defendant Manning, based upon Plaintiff's failure to provide accurate and sufficient information to effect service. (Doc. 14.) Nonetheless, the U.S.

Marshal was directed to attempt to serve Defendant Manning. See, (Docs. 16 & 17.) On October 22, 2021, the summons was returned to the Court unexecuted. (Doc. 18.) Since that time, and despite engaging in discovery with the County Defendants, Plaintiff has been unable to provide an address for service as to Defendant Manning.

Plaintiff has been given more than ample opportunity to provide the Court with an address for Defendant Manning and has failed to demonstrate good cause for his inability to do so. At this juncture, the Court can envision no further alternatives. Pursuant to Federal Rule of Civil Procedure 4(m), Defendant Manning will be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED:

1. Defendant Manning is dismissed from this action, without prejudice, based upon of Plaintiff's failure to provide an accurate address to effect service of the complaint.

2. The other two Defendants have already been dismissed from this action with prejudice, the Clerk of Court is directed to close this case.

DATED this 20<sup>th</sup> day of May, 2022.

/s/ John Johnston

John Johnston

United States Magistrate Judge